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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,087	10/18/2005	Pascal Agin	Q90411	9506

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,087	Applicant(s) AGIN, PASCAL	
	Examiner Tilahun B. Gesesse	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/20/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claims 1 through 23 are objected to because of the following informalities: applicant filed original set of claims and amended set of claims. Applicant is recommended to cancel original and renumber ---new--- as claims identifier. Appropriate correction is required. However, for the examination purpose, claims are address as applicant presented them.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3,10-11,14-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Cao et al "Cao" (US 7,218,947 B2).

Claim 1, Cao teaches method of improving the performance of a mobile radio communication system, in which method a network element, known as the first network element, transmitting to mobile terminals, receives at least one information element from at least one other network element, known as the second network element, (see abstract and figure 2, column 3, lines 39-47 in which UTRAN network, , RNC and plurality of NODE Bs and UEs interfacing radio link between Node B and mobile terminals in order to improve the performance of a mobile radio communication system.

Cao teaches the information element indicating the initial transmission power for transmission to a mobile terminal, in the case of radio link reconfiguration between the first network element and the mobile terminal, which can produce a change in the transmission power for this radio link (see column 3, lines 49-column 4, lines 45 and figure 3 in particular column 4, lines 9-13.

Claim 2. Cao teaches first network element corresponds to a base station, or node B in a UMTS type system. (see column 3, lines 39-46 and figure 2).

Claim 3,Cao teaches the second network element corresponds to a radio network controller (RNC) in a UMTS type system (see figure 2).

Claims 10-11. Cao teaches the information element is received in a synchronized radio link reconfiguration command message and information element is received in an unsynchronized radio link reconfiguration command message(column 3,

line 48-column 4, line 36 and figure 3).

Claim 14-16, the initial transmission power is used by said first network element for a radio admission control algorithm (see column 3, line 48-column 4, line 36 and figure 3).

Claims 17-20, Cao teaches the base station controller (see abstract and figure 2, column 3, lines 39-47 in which UTRAN network, , RNC and plurality of NODE Bs and UEs interfacing radio link between Node B and mobile terminals in order to improve the performance of a mobile radio communication system. .

Cao teaches the information element indicating the initial transmission power for transmission to a mobile terminal, in the case of radio link reconfiguration between the first network element and the mobile terminal, which can produce a change in the transmission power for this radio link (see column 3, lines 49-column 4, lines 45 and figure 3 in particular column 4, lines 9-13.

Claims 21-23, Cao teaches means for using the information element for a radio admission control algorithm (see column 3, lines 49-column 4, lines 45 and figure 3 in particular column 4, lines 9-13.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cao in view of Bjorn (GB 231179 A).

Claims 4-9, Cao teaches all the limitation explained in claim 1, except a RNC having an SRNC (Serving Radio Network Controller) role and CRNC , DRNC and NBAP protocol .

However, Bjorn teaches a UMTS radio access network having a radio network controller having an SRNC , CRNC , DRNC and NBAP protocol, (see abstract).

One would have been motivated to modify Cao to include SRNC , CRNC , DRNC and NBAP protocol for configuration before connected to the new network and in order to expand the service area upon updating protocol and reconfiguring protocol .

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include SRNC , CRNC , DRNC and NBAP, as taught by Bjorn, in order to configure the connection between serving and drift RNC.

Claims 12-13, Cao teaches radio link reconfiguration command message corresponding prepare and request message (see column 3, line 48-col.4, line 36 and figure 3).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

August 27, 2007


TILAHUN GESESSE
PRIMARY EXAMINER